
Public Notice

Applicant:
Laketran

Date:
Published:
Expires:

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-CO-R RE: 97-501-0034(1) Section: OH 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Laketran, P.O. Box 158, 555 Lakeshore Boulevard (Singer Avenue), Grand River, Ohio 44045-0158 has applied for a Department of the Army Permit to fill wetlands for the proposed expansion of the parking facility at its fleet maintenance building and administrative center, located at the same address. The purpose of the expansion is to provide for an unexpected increase in ridership of the public transportation system.

The applicant has proposed two different alternatives for completing the project. The "Preferred Design Alternative" (Sheet 3 of 12) would result in the filling of 1.51 acres of wetlands, including 0.79 acre of forested wetlands. The "Minimum Degradation Alternative" (Sheet 2 of 12) would result in the filling of 1.99 acres of wetlands; however, only 0.23 acre of forested wetlands would be impacted.

As mitigation for wetland losses the applicant has proposed the construction of 2.02 acres of emergent and vernal pool wetlands and the donation of 8.8 acres of land including the 2.02 acres of constructed wetlands to the Lake Metroparks. Lake Metroparks has agreed to preserve the property in perpetuity.

Additional Information: In 1996, construction of Phase I of the project resulted in 0.9 acre of wetland impacts for the construction of a bus and transportation service center for Lake County. This work was authorized under then-effective Nationwide Permit (NWP) No. 26, which expired on January 13, 1997. The project was completed in accordance with the terms and conditions of that NWP. In 1997, Phase II resulted in filling of an additional 1.77 acres of wetlands, for a net cumulative impact of 2.67 acres of wetlands. Phase II was authorized under the current version of NWP No. 26, which took effect on February 11, 1997. As mitigation for these impacts the permittee was required to restore 2.6 acres of lake plain forested wetlands and upland buffer on 27 acres of property which was subsequently donated to Lake Metroparks to be preserved in perpetuity. Nationwide Permit No. 26 limits impacts to waters of the United States to a total a 3.0 acres. Since a total of 2.67 acres have been filled under Phases I and II, the applicant is seeking to complete Phase III under an Individual Department of the Army Permit. Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Theresa B. Hudson, who can be contacted by calling (440) 437-5840, or by e-mail at: Theresa.B.Hudson@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, Orwell Field Office, 33 Grand Valley Avenue, Orwell, Ohio 44076-9566, and should be marked to the attention of Theresa B. Hudson, or by e-mail at: Theresa.B.Hudson@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.